REMARKS

Claims 1 and 3-19 are pending in the application. Claims 1, 3, 7-10, 12, and 14-18 have been amended. Claim 2 has been previously cancelled.

Claim Rejections - 35 U.S.C. § 103

Claims 1-4, 12-13, 15-16, and 19 are rejected under 35 USC 103(a) as being unpatentable over von der Ohe et al. (US 4,453,740).

Claims 1-3, 5-14, and 16-18 are rejected under 35 USC 103(a) as being unpatentable over von der Ohe et al. in view of Illbruck et al. (US 5,633,067).

Applicants would like to briefly review the present invention. With the progressive development of ever more powerful internal combustion engines in motor vehicles, a massive increase in waste heat from the engine, in noise development and in induced vibrations of neighboring components is accompanied. These accompanying phenomena place a heavy load on the regions adjacent to the engine compartment. The object of the present invention is to refine a vehicle to the effect that even very powerful engines can be used without unduly increasing the loads upon the regions of the vehicle adjacent to the engine compartment and upon the outside world.

Illbruck et al. provide a foamed material element attached to a wall element of an engine compartment casing. However, the added foamed material element will result in space-restriction for the engine. In order to overcome this problem, the present invention uses a different approach. Instead of providing protective lining on the engine compartment casing, the present invention provides a protective lining on a protruding component (such as the axle carrier) surrounding the engine. In this way, noises, waste heat, and induced vibrations resulting from the engine running is extensively dampened close to the engine with no great space-

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restricting consequences for the engine, auxiliaries, and other supply-relevant component. In addition, because of the protective lining, the actual axle carrier body can be safely made from lightweight materials, such as aluminum, which are sensitive to high temperature. See paragraph [0006] of the specification of the instant application).

The Examiner has stated that it is old and well known in the art to paint and/or undercoat an axle carrier, protecting the axle carrier from corrosion, such as disclosed in Miller (US 3,434,851). Applicants believe that an anti-corrosion coating (chemical composition) is different from a protective lining (a separate physical component) in the sense of the present invention. First, a protective lining is a separate element that is attached (screwed, glued or clipped – see paragraph [0008] of the specification) to the component (such as an axle carrier) after it has been made; whereas a coating is normally applied before the component (such as an axle carrier) is assembled and becomes part of the component. Second, since the coating of Miller is intended solely for inhibiting rust, it is unreasonable to allege that the coating would also have the proper heat and sound insulation properties as required by the present invention.

The Examiner has also stated that it would be obvious for a person skilled in the art to use the lining as disclosed by Illbruck et al. on an axle carrier to obtain the same results. As already discussed above, by using a protective lining on a protruding component (such as the axle carrier) surrounding the engine, the problem of space-restriction of the engine caused by using lining on the engine compartment casing can be solved. Since Illbruck et al. do not realize the problem of space-restriction, a person skilled in the art would also not attempt to solve this problem after reading the disclosure of Illbruck et al. and thus would not reach the solution of the present invention.

The Examiner has further stated that the lining of Illbruck et al. while its purpose is to be sound absorbing, it would be obvious to one of routine skill in the art that this would also provide heat absorbing properties. Applicants respectfully disagree. As described in paragraph

[00010] of the specification of the instant application, a material must be formed hard enough and with low heat conductivity and high heat-absorption capacity to provide sufficiently good heat insulation, and must be soft enough to guarantee sound insulation. Clearly, a material with good sound absorbing property does not necessarily have good heat absorbing property unless it is specifically made so.

Although Applicants respectfully disagree with the rejections, claim 1 of the instant application has been modified to even more clearly define the present invention and to facilitate the prosecution. Applicants believe that none of the cited references , whether taken alone or in any combination, shows or suggests at least one protective lining attached to at least one area of the protruding component and that the lining is a material with both heat-insulating and sound-insulating properties, as recited in claim 1 of the instant application.

Claim 1 is, therefore, believed to be patentable over the art and since all of the dependent claims are ultimately dependent on claim 1, they are believed to be patentable as well.

In addition, with regard to the rejection of claim 5, it is not clear how Illbruck et al. disclose one plastic exhibiting sound-insulating properties and the other plastic exhibiting heat-insulating properties. The item 5 as shown in Fig. 2 of Illbruck et al. refers to an air-impermeable foil. Illbruck et al. disclose that the foamed material 2 is covered with an air-impermeable foil 5, 6 on both sides. However, Illbruck et al. do not disclose that one foil exhibits sound-insulating properties while the other foil exhibits heat-insulating properties. Similarly, Illbruck et al. also do not disclose that the plastic having the heat-insulating properties is disposed above the plastic having the sound-insulating properties, as recited in claim 6.

The Commissioner is hereby authorized to charge any fees which may be required at any time during the prosecution of this application without specific authorization, or credit any overpayment, to Deposit Account Number 50-0951.

{WP465256;1}

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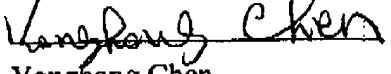
Favorable consideration and early issuance of the Notice of Allowance are respectfully requested. **Should further issues remain prior to allowance, the Examiner is respectfully requested to contact the undersigned at the indicated telephone number.**

Respectfully submitted,



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Yonghong Chen
Registration No. 56,150
Akerman Senterfitt
Customer No. 30448
222 Lakeview Avenue, Suite 400
West Palm Beach, FL 33401
Phone: 561-653-5000
Fax: 561-659-6313

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